

EXHIBIT

DATE

HB

Robert Gilbert

From: "Mandi McDanold" <rcc@rosebudcountymt.com>
To: <deeg39@hotmail.com>; "Bob Gilbert" <rgilbert@mcn.net>; <elkbug@hotmail.com>
Sent: Tuesday, February 01, 2011 10:11 AM
Subject: HB 290

Members of the Transportation Committee;

House Bill 290 is another way to allow the public (mostly hunters) to use private land to access public land. This bill, if passed, is going to make the county officials determine if a private road has prescriptive easement. It will require the County Attorney to provide a legal opinion based upon the finding of other county officials. Then the County Commissioners will have to be the judges to determine whether or not the private road can be used by the public. Either way the Commissioners will be the bad guys. As a County Commissioner, I strongly oppose this bill.

As a hunter I also oppose this bill. I consider hunting a privilege not a right. The privilege to hunt on a landowner's property is easily obtained. It starts with developing a relationship based on trust and respect. Not by showing up opening morning and demanding the right to hunt. It starts by becoming friends with the landowner, maybe helping with fences, working cattle or something else. The friendship does not start opening morning and end at dark on the final day of the season.

As a land owner, I also oppose this bill. I have dealt with hunters destroying my property when the roads are muddy after 3 inches of rain. Their excuse; we had permission. This bill does not address the right-of-way when the roads are impassable. You say the hunters will use common sense! No, they won't. In 2006, three days before antelope season opened, the Forsyth area received 3 inches of rain. Opening morning numerous vehicles drove all over my ranch tearing up roads. When questioned they said, "We have permission". A two track road became 200 yards wide. Many hunters respected my property and parked on the gravel road and walked in. However, it does not take very many to make a mess.

I foresee this bill, if passed, having a negative impact on hunters' rights. I see landowners, in defiance of this bill, who have opened their land to hunting in the past, closing all hunting on their private land. My family has opened its ranch to the public for 65 years and we probably will continue, however, if we choose to close it, the public will lose recreational rights on over 40,000 acres.

In closing, please do not vote for this bill.

Sincerely,
Robert E. Lee
Rosebud County Commissioner
Rosebud County Hunter and Landowner

2/1/2011

Robert Gilbert

From: "Bob Gilbert" <elkbug@hotmail.com>
To: "Dee & Bob" <rgilbert@mcn.net>
Sent: Tuesday, February 01, 2011 1:36 PM
Subject: FW:

Please copy and print. Thanks, Bob.

From: gartnera@dawsoncountymail.com
To: elkbug@hotmail.com
Subject:
Date: Mon, 31 Jan 2011 15:55:19 -0700

Bob,

On HB 290, Commissioners do not want the responsibility nor any authority concerning public roads. Our responsibilities pertain to county roads. If there is an imminent dangerous issue on a public road, we would probably address it to a minimum extent. There is a difference between a public road versus a county road. A road becomes a county road through a petition process or a request by the commissioners to a landowner for a road easement. Each process entails a public hearing and a resolution declaring it a county road. A public road is either through the prescriptive process or through a court order. Public road issues are generally decided by court action.

Bottom line is we oppose this bill.

Adam

*ADAM GARTNER
DAWSON CO. COMM.*